

### REMARKS/ARGUMENTS

The Office Action mailed January 19, 2005 has been reviewed and carefully considered. Claims 1-20, 28-34, and 37 are canceled. Claims 38 and 39 are added and claims 21-27 and 35 have been amended. Claims 21-27, 35-36, and 38 are pending in this application, with claim 21 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed January 19, 2005, claims 21-28 and 35-37 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the term "network recreation environment" is not clear. Independent claim 21 is amended to clarify that the environment is a virtual recreation environment. The virtual recreation environment is defined by a computer game or other computer-related recreation. Support for this is found, for example, at page 3, lines 9-10; page 5, lines 7-8; and page 14, lines 8-11 of the specification.

Claims 21-28 and 35-37 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,463,078 (Engstrom) in view of U.S. Patent No. 6,659,861 (Faris).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate.

The present invention relates to system for simulating communication delays at simulated spatial positions. According to the specification, many computer based games or recreations define virtual recreation environments such as, for example, space-travel environments (see page 3, lines 9-10). Parties are assigned imaginary spatial locations within the recreation environment (page 12, lines 10-11). In a specific embodiment, a party's imaginary spatial location is determined according to the party's actual terrestrial location (page 12, lines 12-16). According to the invention, a delay is purposefully implemented in sending a message from one terminal to

another to simulate delays in the recreation environment, i.e., delays simulating actual transmission times between points separated in space or delays emulating hand deliveries in medieval battles (see page 13, lines 14-15; and page 14, lines 4-7). A CPU 510 of a server 500 determines simulated distances and simulated transmission times (page 14, lines 8-11).

Independent claim 21 is amended to recite a plurality of terminals and the step of "implementing a delay time in the transmission of messages for simulating transmission delays in the virtual recreation environment".

Engstrom discloses a method for switching protocols transparently in multi-user application. Engstrom recognizes problems related to latency, i.e., delays in sending messages back and forth over the Internet (see col. 1, lines 29-36). Accordingly, Engstrom teaches that it is important to minimize the latency or delay. To accomplish this object, Engstrom discloses changing communication protocols to reduce latency and improve transmission bandwidth (col. 5, lines 21-25). Although Engstrom changes delay times by minimizing latency, Engstrom fails to disclose teach or suggest "implementing a delay time for simulating transmission delays in a virtual recreation environment", as expressly recited in independent claim 1.

Faris fails to disclose what Engstrom lacks.

Faris discloses a system for enabling a time-constrained competition among a plurality of contestants over the Internet. Faris recognizes six factors which promote unfairness between competitors. To overcome the inherent unfairness, Faris discloses means for controlling and measuring certain time-based elements of the contest (col. 16, lines 56-58). According to Faris, this is accomplished by specifying the precise instant at which a query is presented to the contestant (col. 16, lines 58-61). This instant of time is referred to as a "start time" in Faris (col. 16, lines 62-65). Faris further discloses precisely determining the length of time between the start time and the

instant that each contestant submits a response, which is referred to in Faris as the "finish time" (col. 16, lines 66 to col. 17, line 3). The length of time between the start time and finish time is referred to as the "response time".

As disclosed in Fig. 46 and col. 38, line 34 to col. 39, line 43, of Faris, the response time is used to determine which contestant entered the quickest reply. Col. 39, line 64 to col. 40, line 6 of Faris further discloses a method of distributing time signals to compensate for network latency. However, Faris discloses only implementing controls to compensate for actual latency between two terminals. Accordingly, Faris fails to teach or suggest using time delays to simulate transmission delays in a network recreation environment.

In view of the above amendments and remarks, it is respectfully submitted that independent claim 21 is allowable over Engstrom in view of Faris.

Dependent claims 22-27, 35-36, and 38, being dependent on independent claim 21, are deemed allowable for at least the same reasons expressed above with respect to independent claim 21.

Dependent claim 39 further recites "means for linking a terminal's actual location to a virtual location in the virtual recreation environment". Neither Engstrom nor Faris disclose this feature.

Dependent claim 27 further recites "the means for adapting delivery time includes simulating transmission delays based on a virtual distance between the virtual locations of the first and second terminals in the virtual recreation environment". Neither Engstrom nor Faris disclose that a delay is implemented for sending messages based on a virtual distance between the virtual locations of two terminals in a virtual recreation environment. Faris relates only to overcoming

actual delays to latency in transmission and Engstrom fails to disclose implementing a delay. Accordingly, dependent claim 27 is allowable for these additional reasons.

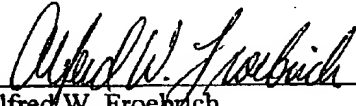
The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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